

REMARKS:

Claims 1, 2 and 4-12 are pending.

The specification has been corrected as suggested in the Office Action, and it has otherwise been conformed to the preferred U.S. format.

Claims 1, 7 and 8 were revised to provide necessary antecedents and reflect antecedents already recited in parent claims. These changes were made for purposes of clarification unrelated to patentability concerns.

Applicants note with appreciation that claims 3-6 are considered to be directed to allowable subject matter.

Claim 3 has been canceled and incorporated in claim 1. Thus, claim 1 is in condition for allowance.

Dependent claims 2 and 4-10 were revised to delete the reference numerals with which they were filed and to adapt their wording to the wording of their parent claim 1. In view thereof, all dependent claims are also in condition for allowance.

New independent claim 11 is principally directed to the same subject matter as claim 1 and specifically recites the configuration of the bone screw, bone plate and securing screw previously claimed in canceled claim 3. Thus, new claim 16 is allowable for the same reasons why amended claim 1 is allowable.

New independent claim 12 is also directed to the subject matter of now-canceled claim 3 and is limited to an arrangement which permits relative angular adjustments of the bone screw by providing that "the core, the head of the bone screw and the counter-surface [define] cooperating and concentric concave and convex surfaces ..." which permit such adjustments.

In view of the foregoing, applicants submit that all claims are in condition for allowance, and the issuance of a formal notification to that effect at an early date is requested.

Application No. 09/854,227  
Page 8 .

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



J. Georg Seka  
Reg. No. 24,491

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: (415) 576-0200  
Fax: (415) 576-0300  
JGS:jhw  
SF 1423820 v1

B

**MARKED-UP VERSION OF THE CHANGES TO THE ABSTRACT**

With the invention the connection of a bone screw (12) to a bone plate (7) is shown. The head (13) of the bone screw (12) lies with a ring-shaped outer surface (10) in contact on a counter-surface (25) and can be fixed with a securing screw (15) which can be screwed [in] in the direction towards the counter-surface (25). In this the height (16) of the bone plate (7) is chosen such that it is less than or equal to the shaft diameter (19) of the bone screw (12), whereas the screw head (13) dips [in] into a cut-out (20) of the securing screw (15) and the upper side of the securing screw (15) terminates with the upper side of the bone plate (7).

B

## MARKED-UP VERSION OF THE CHANGES TO THE CLAIMS

1. (amended) Connection of a bone screw [(12)] to a bone plate, the [(7)] with a] bone screw [(12), the] including a head [(13) of] which lies with a ring-shaped outer surface [(10)] in contact on a counter-surface [(25)] of the bone plate [(7)] and can be fixed with a securing screw [(15)] which can be screwed [in] into the bone plate [(7)] in the direction towards the counter-surface, [(25), with] the bone plate [(7)] having a passage opening [(17)] for a shaft [(18)] of the bone screw, a [(12), characterized in that the] height [(16)] of the bone plate in [the] a region of the bone screw [(12) is] being less than or equal to [the] a diameter [(19)] of the shaft, [(18); in that] the screw head [(13) dips in] dipping into a cut-out [(20)] of the securing screw, [(15); and in that] the securing screw [(15) terminates with the] terminating at an upper side of the bone plate, the head of the bone screw including a spherical pan with an outer surface and an inner surface having a common center, and the securing screw dipping into the pan with a suitable core [(7)].

2. (amended) Connection in accordance with claim 1[, characterized in that] wherein the securing screw [(15)] has a threaded length [(27)] which dips [in] into the bone plate [(7)] and which amounts to more than half the height [(16)] of the bone plate [(7)] in the region of the bone screw[( 12)].

4. (amended) Connection in accordance claim [3, characterized in that] 1 wherein the cut-out [(20)] of the securing screw [(15)] is dimensioned such that the head [(13)] of the bone screw [(12)] can be fixed at different angular positions with respect to the axis of the securing screw[( 15)].

5. (amended) Connection in accordance with claim 4[, characterized in that] wherein in relation to a middle position of the bone screw [(12)] in the direction of the axis of the securing screw [(15)] the head [(13)] permits a fixing position with an angular deflection  $\alpha_1$  at its outer surface[( 22)]; [and in that] wherein the cut-out [(20)] of the securing screw [(15)] permits an angular deflection  $\alpha_2$  of similar magnitude for the screw head[( 13)]; and [in that] wherein an angle  $\beta$  with respect to the center which is taken up by the counter-surface [(10, 25)] is greater than the respective angle  $\alpha_1, \alpha_2$ .

B

6. (amended) Connection in accordance with claim 5[, characterized in that] wherein the angles  $\alpha_1$ ,  $\alpha_2$  correspond in each case to an angle from 3° to 20°.

7. (twice amended) Connection in accordance with claim 1[, comprising a] wherein the bone plate [(7) which] is formed as a yoke which can be used as an anchoring body [(4, 14)] for a support construction at a vertebra[(1, 2)].

8. (twice amended) Connection in accordance with claim 1[, comprising a] wherein the bone plate [(7) which] can be used as a bridge [(21)] between two vertebrae[(1, 2)].

9. (amended) Connection in accordance with claim 8, comprising a bridge [(21)] which bridges over the distance between two vertebrae [(1, 2)] and is formed as a bending spring[(35)].

10. (twice amended) Connection in accordance with claim 1[, characterized in that] wherein the shaft diameter [(19)] of the bone screw [(12)] amounts to between 2 and 10 mm.

B